

Application No.: 10/617893

Case No.: 56852US004

REMARKS

Claims 1-60 are pending in the present application. Claims 1-48 stand rejected and claims 49-60 were withdrawn from consideration due to a previous restriction requirement. Applicant respectfully request reconsideration of the rejections of claims 1-48 in light of the following comments.

§ 112 Rejections

The present Office Action rejected claim 8 under 35 U.S.C. §112, second paragraph, as being indefinite, asserting that the claimed element “the other edge” lacks sufficient antecedent basis for this element. Although this claim is believed to have been definite as originally presented, Applicant have nonetheless amended the claim to state in another way that the “other edge” is the other one of the first and second edge forming portions referred to in claim 7, which claims “at least one of the first and second edge forming portions.” Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection.

§ 102 Rejections

Claims 1-3, 7-9, 16-22, 29, 30, 32, 33, 36, 38, 42-44, and 48 were rejected under 35 U.S.C. §102(e) as being anticipated by Voss (U.S. Pub. App. No. 2002/0022158 A1). Applicant respectfully traverses this rejection for the following reasons.

Concerning independent claim 1, the Office Action asserts that Voss discloses all of the claimed elements including “a flexible web portion connecting the first and second edge portions for hinging movement such that the first and second edge forming portions can move independently of each other.” In support of this assertion, the Office Action appears to equate the plastic profile 216 illustrated in FIG. 17 of Voss to the “flexible web portion.” Although the plastic profile 216 of Voss appears to be flexible, as may be seen in FIG. 76A, these figures and accompanying description in the specification of Voss do not teach or suggest that the plastic profile connects first and second edge portions for hinging movement. To the contrary, the bending of the plastic profile illustrated in FIG. 76A does not evince a “hinging movement,” but merely illustrates a bending movement. By definition a hinge is a “flexible device that allow turning or pivoting of a part” with respect to another. (The American Heritage Dictionary, 2nd

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College Edition). The illustration in FIG. 76A of Voss does not show turning or pivoting of one edge of the profile 2400 with respect to the other edge, but merely illustrates a bending of the profile itself.

Moreover, even if one were to argue that the bending of profile 2400 is equivalent to a "hinging movement," the structure of the plastic profile 216 of Voss would clearly be recognized by one skilled in the art as not affording independent movement of the first and second edges. As an example of "independent movement", the present specification teaches that the presently claimed web's structure to permit independent movement that would be understood to be a structure having a characteristic where forces applied to one edge portion are not transferred to the other edge portion. (See paragraph [0085] of the present application). This characteristic feature is not the case with the structure of Voss' plastic profile 216. Inherently, due to the monolithic structure of plastic profile 216 (or 2400) as illustrated by Voss, when the profile 216 is bent, forces on one edge would indeed be transferred to the other edge. Thus, the structure of Voss is not configured to achieve true "independent movement" as achieved by the structure of the claimed "flexible web portion." In light of the above comments, Applicant submits that Voss does not teach or suggest all of the elements of claim 1 and the rejection should be withdrawn, accordingly.

With respect to dependent claims 2, 3, 7-9, 16-22, 29, 30, 32, 33, 36, 38, and 42-44, Applicant submits that these claims are further allowable on their merits and also due to their dependency on independent claim 1.

Concerning independent claim 48, the Office Action asserts that Voss teaches all of the claimed elements for the same reasons given for rejecting claim 1. The claimed structure of claim 48 features, similar to claim 1, "a web portion connecting the first and second edge forming portions and being of reduced thickness relative to a least one of the edge forming portions whereby the first and second edge forming portions are moveable independently of each other." As argued above, the disclosed structure of Voss does not teach or suggest the provision of independently movable first and second edge forming portions. Even though the plastic profile 216 shown in FIG. 17 has a reduced thickness where adhesive fixing means 1500 is located, one of ordinary skill in the art would recognize that the reduction in thickness is not sufficient to provide independent movement as discussed above with respect to the rejection of

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claim 1. Accordingly, Applicant submits that Voss does not teach or suggest all of the elements of claim 48 and that the rejection of this claim should be withdrawn.

§ 103 Rejections

Claims 4-6, 28, 31, and 39-41 were rejected under 35 U.S.C. §103(a) as being unpatentable over Voss in view of Western (U.S. Pat. No. 5,885,395). Applicant respectfully traverses and submits that these claims are allowable on their merits and also due to their dependency on independent claim 1, discussed above.

Claims 10-15, 21, 34, and 35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Voss in view of Jevons (U.S. Pat. No. 6,627,259). Applicant respectfully traverses and submits that these claims are allowable on their merits and also due to their dependency on independent claim 1, discussed above.

Claims 23-27, 37, and 45-47 were rejected under 35 U.S.C. §103(a) as being unpatentable over Voss. Applicant respectfully traverses and submits that these claims are allowable on their merits and also due to their dependency on independent claim 1, discussed above.

Conclusion

In conclusion, Applicant assert that claims 1-48 are allowable over the prior art of record. Applicant requests reconsideration in view of the remarks above and further request that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

Respectfully submitted,

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Date

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